

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court  
Southern District of Texas  
FILED

AUG 23 2015

Clerk of Court

United States of America

Guillermo Enrique Hernandez-Martinez  
aka: Guillermo Hernandez-Martinez

YOB: 1991

Mexican Citizen

Case No.

M-15-1442-M

8/24/15/ke

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 08/21/2015 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC 922(g)(5)(B) unlawful possession of a firearm (ammunition), in and affecting  
interstate and foreign commerce, by an alien who has been  
admitted to the United States under a nonimmigrant visa

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

David B. Weiss  
Complainant's signature

David B. Weiss - ATF Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: 8/23/2015

City and state: McAllen, Texas

Dorina Ramos  
Judge's signature

U.S. Magistrate Dorina Ramos  
Printed name and title

**ATTACHMENT A**

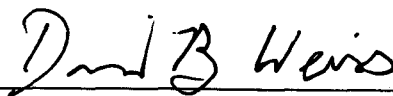
I, Special Agent David B. Weiss, affiant, do hereby depose and state the following:

I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since April 2007.

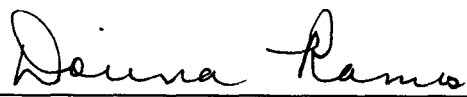
1. My duties include the investigation of violations of Federal firearms laws. I know it to be unlawful for any person who, being an alien and has been admitted to the United States under a nonimmigrant visa to possess a firearm or ammunition.
2. On August 21, 2015, in McAllen, Texas, ATF and Homeland Security Investigations (HSI) Special Agents acting on information received that Guillermo HERNANDEZ-Martinez had recently placed an order for several thousands rounds of ammunition, initiated surveillance in the location of a Federal Firearms Licensee (FFL) in McAllen, Texas. HERNANDEZ-Martinez had been previously identified as a citizen and national of Mexico, who was in possession of a U.S. nonimmigrant visa.
3. On this date, HERNANDEZ-Martinez arrived at the FFL in a Ford SUV bearing Mexico Tamaulipas license plates, exited the vehicle and went inside the store. HERNANDEZ-Martinez purchased seven crates containing 1,120 rounds each of 7.62x39mm M67 Non-magnetic Copper FMJ Brass Case Corrosive Yugo Surplus Ammo on SKS Stripper Clips, three cases containing 100 rounds each of Federal American Eagle brand .50 caliber BMG - 660 grain full-metal jacket (FMJ) ammunition and 25 boxes containing 50 rounds each of Fiocchi brand .22 caliber Long Rifle High Velocity ammunition. This ammunition is manufactured outside of Texas and affects interstate commerce.

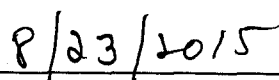
ATTACHMENT A

4. While HERNANDEZ-Martinez was in the store, persons known arrived in a GMC pickup bearing Mexican license plates and parked in front of the FFL. HERNANDEZ-Martinez proceeded to exit the store and load the ammunition into the rear passenger compartment of the GMC pickup. After loading all of ammunition, HERNANDEZ-Martinez departed the location in the Ford SUV. Persons known departed the location in the GMC pickup with the ammunition.
5. ATF and HSI agents continued surveillance on both vehicles. Persons known drove the GMC pickup to a location in Mission, TX where ATF and HSI agents encountered it and later retrieved the ammunition from the vehicle. The Ford SUV with HERNANDEZ-Martinez as a passenger was encountered by Texas Department of Public Safety and subsequently ATF and HSI agents in McAllen, TX. HERNANDEZ-Martinez was transported to the ATF offices for questioning.
6. HERNANDEZ-Martinez was advised of his rights prior to being questioned. During questioning, HERNANDEZ-Martinez stated that he had purchased the ammunition and that he had placed it in the GMC pickup.
7. Record checks show that HERNANDEZ-Martinez has no criminal record in the United States.

  
David B. Weiss - ATF Special Agent

Sworn to before me and subscribed in my presence,

  
U.S. Magistrate Dorina Ramos

  
Date